

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

11/9/04
w.f.

UNITED STATES OF AMERICA)	CRIMINAL CASE NO. 04-10231-MLW
)	
v.)	
)	
PETER V. MAGGIO, III, ET AL.)	

GOVERNMENT'S MOTION FOR ORDER ON EXCLUDABLE TIME

The United States moves this Court to enter an Order excluding from the Speedy Trial Act the period from August 12, 2004 (date of indictment) to September 28, 2004, (date of defendant Paradiso initial appearance), the period from August 12, 2004 (date of indictment) to September 30, 2004 (date of defendant O'Neill initial appearance), the period from August 12, 2004 (date of indictment) to October 6, 2004 (date of defendant DeVeau initial appearance), the period from August 12, 2004 (date of indictment) to November 9, 2004 (scheduled date of remote video initial appearance for defendant Maggio), the period from August 12, 2004 (date of indictment) to November 9, 2004 (scheduled date of initial appearance for defendant Howe), the period from August 12, 2004 (date of indictment) to November 10, 2004 (scheduled date of initial appearance for defendants Havey and Sacco), and the period from November 10, 2004 (scheduled date of initial appearance for defendants Havey and Sacco) to a date to be scheduled at the convenience of this Court for defendants' status conference. See 18 U.S.C. §3161(c)(1) [Speedy Trial

calculation commences with initial appearance of defendant(s)]; 18 U.S.C. §3161(h)(7)[delay when defendant joined with codefendant(s) as to whom Speedy Trial has not run]; 18 U.S.C. §3161(h)(1)(F) as interpreted by the First Circuit in United States v. Jodoin, 672 F.2d 232, 237 (1st Cir. 1982) [exclusion pending pretrial motion]; 18 U.S.C. §3161(h)(8)(A)[exclusion for continuance on court finding ends of justice served by delay outweigh interests in speedy trial].

The Government submits the following information in support of the motion for exclusion of time:

Respectfully submitted this 8th day of November, 2004.

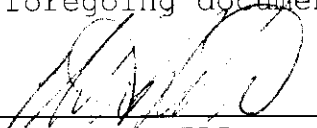
MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: 

VICTOR A. WILD
Suite 9200
One Courthouse Way
Boston, MA 02210
(617) 748-3100
Mass. Bar No. 543148

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the attorneys listed below a copy of the foregoing document.


VICTOR A. WILD
Assistant U.S. Attorney

James M. Merberg, Esq.
66 Long Wharf
Boston, MA 02110
Attorney for Peter V. Maggio

Edward Z. Menkin, Esq.
Suite 909, 109 S. Warren St.
Syracuse, NY 13202
Attorney for Jeffrey DeVeau

Joseph S. Oteri, Esq.
20 Park Plaza
Boston, MA 02116
Attorney for Michael R. O'Neill

Elliott M. Weinstein, Esq.
228 Lewis Wharf
Boston, MA 02110
Attorney for William A. Howe

Scott P. Lopez, Esq.
24 School Street
Boston, MA 02108
Attorney for Louis A. Paradiso

Matt A. Havey
3, Russell Street
Malden, MA 02148

Sean Sacco
21 Frost Avenue
Dorchester, MA 02122